IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 11TH APRIL 2007 / 21ST CHAITHRA 1929

WP(C).No. 12504 of 2007(L)

PETITIONER:

C.BALAKRISHNAN ASSARY, RESERVE CONDUCTOR (RTD), THIRUVANANTHAPURAM CENTRAL DEPORT, RESIDING AT: KALLUVILAKATHU VEEDU, ORAMCODE, KODITHIKKIYAKUNNU P.O., KOLLARA (VIA), THIRUVANANTHAPURAM.

BY ADV. SRI.MURALI PURUSHOTHAMAN
SRI.P.M.BENZIR
SRI.DEEPU LAL MOHAN

RESPONDENTS:

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1. KERALA STATE ROAD TRANSPORT CORPORATION, REPRESENTED BY ITS MANAGING DIRECTOR, TRANSPORT BHAVAN, THIRUVANANTHAPURAM.

2. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF TRANSPORT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

R1 BY SRI.JOHNSON P.JOHN- SC FOR KSRTC
R2 BY GOVT. PLEADER SMT.T.B.REMANI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J

W.P.(C) .12504 OF 2007

Dated this the 11th day of April, 2007

JUDGMENT

Sri.Johnson P.John, standing counsel for the Kerala State Road Transport Corporation takes notice.

2. The issue raised in this writ petition is covered by the decision in **Idicula Abraham** v. **Kerala State Road Transport Corporation {2005 (3) K.L.T. SN 67}.**

3. Under the circumstance, this writ petition will stand allowed. There will be a declaration that the petitioner is entitled to count the provisional service rendered by him in the Corporation up to 1.10.1994 for the purpose of pensionary benefits along with the regular service.

Accordingly, there will be a direction to the first respondent to disburse all the retirement benefits including pension and commuted value of pension and D.C.R.G by reckoning the service rendered by the

petitioner as a provisional employee of the Corporation along with his regular service. Since the petitioner has retired from service as early as in 2001, all the monetary benefits which falls due as a consequence of the above declaration, will be released to the petitioner at the earliest and at any rate, within two months from today.

Sd/-
PIUS C. KURIAKOSE
(JUDGE)

sk1/-

//true copy//

P.S. to Judge.

PIUS C. KURIAKOSE, J

W.P.(C) .12504 OF 2007

JUDGMENT

11th April, 2007